

CHAPTER 7800
DEPARTMENT OF TRANSPORTATION
AND
TRANSPORTATION REGULATION BOARD
MOTOR CARRIER OPERATIONS

7800.0100	DEFINITIONS.	7800.2000	HOUSEHOLD GOODS CARRIERS.
7800.0200	SCOPE.	7800.2100	BILL OF LADING ISSUED FOR SHIPMENT.
7800.0400	APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS.	7800.2200	HOUSEHOLD CARRIER AS STORER.
7800.0500	APPLICATION FOR PETROLEUM CARRIER PERMIT.	7800.2300	APPLICATION OF COMMON LAW AND MINNESOTA STATUTES.
7800.0600	PERMIT APPLICATION; MULTIPLE COPIES REQUIRED.	7800.2400	ADVERTISING OF HOUSEHOLD GOODS CARRIER.
7800.0700	FILING OF CUSTOMER LISTS WITH APPLICATION FOR CONTRACT CARRIER PERMIT.	7800.2500	LEASED EQUIPMENT.
7800.0800	APPLICATION FOR TEMPORARY AUTHORITY.	7800.2600	REQUIRED LEASE PROVISIONS.
7800.0900	CONTINUANCE OF APPLICATION.	7800.2700	DUTIES OF THE LESSOR AND LESSEE.
7800.1000	DENIAL OF APPLICATION AND REAPPLICATION.		RECORDS, REPORTS, AND CLAIMS
7800.1100	AGE REQUIREMENT.	7800.2800	RECORDS KEPT BY THE COMMISSIONER.
	PERMITS	7800.2900	BILL OF LADING AND FREIGHT BILLS.
7800.1400	PETROLEUM CARRIERS.	7800.3000	CARRIERS RETAIN COPIES.
7800.1500	ABANDONMENT OF ROUTE BY REGULAR ROUTE COMMON CARRIER.	7800.3100	LIVESTOCK BILL OF LADING.
7800.1600	REGULAR ROUTE COMMON CARRIER.	7800.3200	TIMELY PRESENTMENT OF BILLS.
7800.1700	PERMIT CONTRACT CARRIERS.	7800.3300	C.O.D. SHIPMENTS.
7800.1800	CHARTER CARRIERS.	7800.3400	DETERMINATION OF LIABILITY ON LOSS OR DAMAGE.
		7800.3600	FILING OF CLAIMS AGAINST CARRIERS.
		7800.3900	ADVERTISING.
		7800.4810	NOTICE OF SCHEDULE CHANGES.

7800.0100 DEFINITIONS.

Subpart 1. **Abbreviations.** When used in this chapter the letters shown below have the following meaning.

- A. RRCC means regular route common carrier.
- B. PC means petroleum carrier.
- C. IRCC means irregular route common carrier.
- D. CC means contract carrier.
- E. CCP means charter carrier of passengers.
- F. LS means livestock carrier.
- G. RC means reciprocity carrier.
- H. LCC means local cartage carrier.
- I. IC means interstate carrier.

Subp. 2. [Repealed, 13 SR 38]

Subp. 3. **Express carriage.** Express carriage or expressage means the conveying of goods or chattels, including those of extreme value such as jewels, money, or antiques, by a regular route common carrier in a manner differing from the carriage of ordinary freight in affording greater care, security, rapidity of transit and quickness of delivery, and at higher rates than generally prevail for those regular route common carriers who are not express carriers.

Subp. 4. **Fit and able.** The term "fit and able" shall mean that the applicant is financially able to conduct the proposed business; that the applicant's equipment is adequate and properly maintained; that the applicant is competent, qualified, and has the experience necessary to conduct the proposed business; that the applicant is mentally and physically able to comply with rules and statutes of the commission.

Subp. 5. **Headquarters area.** "Headquarters area" as referred to in Minnesota Statutes, section 221.011, subdivision 22, is defined to mean the municipality where a livestock trucker lives or designates in the application as headquarters, and the unincorporated area around

such municipality in which the livestock trucker ordinarily picks up the livestock to be transported, provided that the commission, by order, may enlarge the carrier's headquarters area if it finds that it would be in the public interest to do so. The livestock trucker may not change the headquarters area without an order of the commission.

Subp. 6. **Household goods.** The term "household goods" means:

A. Personal effects and property used or to be used by the owner in the owner's dwelling.

B. Furniture, fixtures, equipment, and property of business places and institutions, public or private, when a part of the stock, equipment, supplies, or property of such establishments. It does not mean the movement of property of a business concern in the usual course of its business activities.

C. Articles, which because of their unusual nature or value, require the specialized handling and equipment customarily employed in moving household goods.

Subp. 7. **Local cartage carrier.** A "local cartage carrier," as defined in Minnesota Statutes, section 221.296, is a permit carrier engaged in transporting property or freight "for hire" when the movement is entirely within an area composed of two contiguous cities of the first class (St. Paul and Minneapolis), and municipalities contiguous thereto and shall be subject to permit carrier rules. All motor carriers of freight engaged in local cartage as herein defined must obtain a local cartage carrier permit covering all vehicles used in such operation.

Subp. 8. **Mobile home.** The term "mobile home" shall mean a transportable structure built on a chassis and designed to be used for residential, commercial, educational, or industrial purposes, with or without a permanent foundation, when connected to the required utilities, and the term "mobile home" shall be deemed to include the following:

A. a double wide mobile home and/or sectional trailer defined as a mobile home, consisting of two or more sections, to be combined horizontally at the site, while still retaining their individual chassis for possible future movement;

B. an expandable mobile home defined as a mobile home with one or more room sections that can be folded, collapsed, or telescoped while being transported and expanded at the site to provide additional cubic capacity;

C. a modular unit defined as a factory-fabricated transportable building unit designed to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

Subp. 9. [Repealed, 13 SR 38]

Subp. 10. [Repealed, 13 SR 38]

Subp. 11. **Registered vehicle.** The term "registered vehicle" shall mean the power unit.

Subp. 12. **School activity.** A "school activity" as referred to in Minnesota Statutes, section 221.011, subdivision 21, in a definition of a "charter carrier" shall be construed to mean those activities sponsored and regulated by the school authorities, especially of, or pertaining to, such activities as debating, dramatics, music, and athletics, which form part of the life of the students, but are not part of the regular courses of study. The transportation of participants and student spectators accompanied by a mentor or counselor attending such school activities, when under the supervision or authority of the school, shall be construed to be a school activity, and shall not be that of a charter carrier.

Subp. 13. **Shipper.** The term "shipper" shall mean the supplier of products to be transported.

Subp. 14. **Other terms given practical meaning.** Where terms are used in these rules which are not defined herein they shall have the ordinary practical meaning of such terms, as applicable to the transportation industry.

Statutory Authority: *MS s 221.031; 221.141*

History: *17 SR 1279*

7800.0200 SCOPE.

This chapter shall apply to every corporation or person who is operating as a regular route common carrier of freight or passengers, a permit carrier, charter carrier, or a petroleum

7800.0200 MOTOR CARRIER OPERATIONS

690

carrier transporting petroleum products in bulk, either in intrastate commerce or interstate commerce, as defined in Minnesota Statutes, chapter 221. Every motor carrier shall compel compliance with the requirements of this chapter where it is applicable to its employees.

Statutory Authority: *MS s 221.031*

7800.0300 [Repealed, 13 SR 38]**7800.0400 APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS.**

The commission on request will furnish application forms to any person who desires to apply for a certificate of public convenience and necessity as an RRCC of passengers or freight, a permit or petroleum carrier certificate or petroleum carrier permit. Such forms respectively will indicate the required information.

Statutory Authority: *MS s 221.031*

7800.0500 APPLICATION FOR PETROLEUM CARRIER PERMIT.

The application of the petroleum carrier shall contain the following information:

A. Applicant's name: if a corporation, names and addresses of officers and if a copartnership, the names and addresses of the copartners. Applicant's principal place of business.

B. A statement of applicant's present authority as a petroleum carrier, if any.

C. A statement of the origin point or points from which and the destination points or counties to which applicant proposes to transport petroleum products.

D. A statement of applicant's equipment, or the equipment applicant expects to devote to the operation if the certificate is granted, showing the make, year, and gallonage thereof.

E. Applicant's financial statement brought down to as nearly current a date as possible.

F. Applicant's terminals or proposed terminals, if any.

G. An original and two copies thereof shall be signed by the applicant or some person authorized to sign in the applicant's behalf. The signature may be stamped or typed in on all other copies.

H. The application need not be verified.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.0600 PERMIT APPLICATION; MULTIPLE COPIES REQUIRED.

Applicants filing for certificates of convenience and necessity as a regular route common carrier or as a petroleum carrier pursuant to the provisions of Minnesota Statutes, section 221.061, shall furnish the commission with sufficient copies of the application to make service on all parties whom the commission deems interested. Upon request, the commission will advise the applicant of the number of copies required for such service.

Statutory Authority: *MS s 221.031*

7800.0700 FILING OF CUSTOMER LISTS WITH APPLICATION FOR CONTRACT CARRIER PERMIT.

At the time of making application for the issuance of a contract carrier permit, or for an extension or change of the authority of such a permit, the applicant shall file with the application a list of the customers, a copy of the contract or contracts, except a contract providing for armored car service which contract's existence may be attested to by providing adequate information in affidavit form, to substantiate the existence of each agreement between the carrier and consignee or consignor, for whom the applicant proposes to transport freight under authority of said contract permit. Such contract carrier shall transport freight only for a person, firm, or corporation who is on such list of customers under said permit. Names of customers on such list may be changed from time to time by the carrier on approval of the commission.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.0800 APPLICATION FOR TEMPORARY AUTHORITY.

Each application for temporary authority must be accompanied by a supporting statement designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Any shipper's statement accompanying said application must contain a certification of its accuracy and must be signed by the person or an authorized representative having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

A. description of the specific commodity or commodities to be transported, where the transportation of property is involved;

B. points or areas to, from, or between which such commodities or passengers are to be transported, if service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested;

C. volume of traffic involved, frequency of movement, and how transported now and in the past;

D. how soon the service must be provided, and the reasons for such time limit;

E. how long the need for such service will likely continue, and whether the persons supporting the temporary application will support a permanent service application;

F. recital of the consequences if service is not made available;

G. the circumstances which created an immediate and urgent need for the requested service;

H. whether efforts have been made to obtain the service from existing carriers, and the dates and results of such efforts;

I. names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal;

J. name and address of motor carrier who will provide service and is filing application for temporary authority; and

K. if the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and motor carrier's number, if known, and state whether such application was granted or denied, and the date of such action, if known.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.0900 CONTINUANCE OF APPLICATION.

No continuance of any application or oral argument thereon set for hearing shall be granted unless the moving party shall file with the commission a request therefor at least five days prior to the day of hearing with a showing of good cause, provided that in cases of emergency arising less than five days prior to the day of hearing a request for a continuance will be entertained by the commission where the reasons are adequate and are stated in an affidavit to be filed with the commission.

Statutory Authority: *MS s 221.031*

7800.1000 DENIAL OF APPLICATION AND REAPPLICATION.

When, after hearing, a final order has been entered denying applicant a permit under the provisions of Minnesota Statutes, section 221.121, the commission will not accept another application for a permit for the same kind of transportation until the lapse of one year from the date of the order, except upon a showing of good grounds therefor.

When an application for a permit as a local cartage carrier has been denied, the commission will not accept another such application for such permit until the lapse of one year from the date of the order, except upon the showing of good grounds therefor.

Statutory Authority: *MS s 221.031*

7800.1100 AGE REQUIREMENT.

No permit shall be issued to any person under 18 years of age.

Statutory Authority: *MS s 221.031*

7800.1200 [Repealed, 13 SR 38]

7800.1300 [Repealed, 13 SR 38]

PERMITS

7800.1400 PETROLEUM CARRIERS.

Permit carriers engaged in transporting petroleum products in bulk between points or places wholly within a single city or village, or wholly within a single group of contiguous cities or villages, or exclusively in interstate commerce shall be subject to the rules relating to petroleum carriers.

Where the destination area in the certificate of a petroleum carrier is granted by counties, and a part of the corporate limits of any municipality lies in a county granted as a destination area in a certificate, the holder of such certificate is authorized to make deliveries to any place within the corporate limits of such municipality.

Statutory Authority: *MS s 221.031*

7800.1500 ABANDONMENT OF ROUTE BY REGULAR ROUTE COMMON CARRIER.

Failure of a regular route common carrier to commence operations upon the route granted within 30 days after the date of the certificate of public convenience and necessity therefor shall be deemed an abandonment thereof.

Failure of an RRCC to operate for a period of seven consecutive days over any route covered by the certificate of public convenience and necessity therefor without the written consent of the commission shall be deemed an abandonment of service and cause for forfeiture of all rights granted, except when the route is closed or detoured by the Department of Transportation, or other governmental authority.

Statutory Authority: *MS s 221.031*

7800.1600 REGULAR ROUTE COMMON CARRIER.

Subpart 1. **Carrying of freight as irregular route common carrier.** If a regular route common carrier of freight is also an irregular route common carrier as defined in Minnesota Statutes, section 221.011, subdivision 11, or a contract carrier, as defined in Minnesota Statutes, section 221.011, subdivision 12, it shall not carry freight as a regular route common carrier, and as an irregular route common carrier, or as a contract carrier in the same vehicle at the same time.

Subp. 2. **Interchange of freight.** No regular route common carrier may interchange freight with an irregular route common carrier or with a contract carrier.

Statutory Authority: *MS s 221.031*

7800.1700 PERMIT CONTRACT CARRIERS.

Subpart 1. **Permit contract carriers holding permits as irregular route common carriers.** Carriers holding authority both as a permit contract carrier and as an irregular route common carrier may engage in more than one of such types of carriage at the same time with the same vehicle providing the vehicle is registered under both types of carriage.

Subp. 2. **Interline freight.** Permit carriers may not interline freight with another permit carrier or with regular route common carriers, except that household goods carriers may interline with each other and local cartage carriers may interline with each other. This rule shall not preclude local cartage carriers from entering into contractual agreements with regular route common carriers or permit carriers for the pickup and delivery of freight within the area defined in Minnesota Statutes, section 221.011, subdivision 17.

Statutory Authority: *MS s 221.031*

7800.1800 CHARTER CARRIERS.

A charter carrier engaged in transporting passengers under charter shall be subject to the same rules relating to regular route common carriers of passengers.

A charter carrier permit cannot be issued to a school district owning and operating vehicles covered by the provisions of Minnesota Statutes, section 168.012.

Statutory Authority: *MS s 221.031*

MINNESOTA RULES 1997

693

MOTOR CARRIER OPERATIONS 7800.2100

7800.1900 [Repealed, 13 SR 38]

7800.2000 HOUSEHOLD GOODS CARRIERS.

Subpart 1. Shipment requires written orders to driver. Whenever a household goods carrier gives a prospective shipper an estimate of charges, either verbal or written, covering the movement of shipper's household goods, said carrier shall issue a written order to the carrier's driver which shall show the name and pickup address of the shipper, the delivery address of the movement, the time of pickup, the items to be transported, and the estimate of charges for such movement. If, upon arrival at the point where the pickup is to be made, the driver finds that there are additional items to be transported other than those named in the order, or if for other reasons the estimate must be revised, the adjustment of the estimate must be noted on the order and signed by the shipper. A copy of said order or estimate must be given to the shipper.

Subp. 2. Insurance coverage on shipment. The household goods carrier, at the time of loading the shipment, shall specifically call the shipper's attention to the released value of the goods as fixed in its tariff and by part 7800.2100 and shall notify the shipper that anything above the released value must be insured by the shipper if the shipper is to recover more than the released value in case of loss or damage. If the shipper shall request insurance coverage for the excess (or entire) value, upon tender by the shipper to the carrier of the cost of such insurance, the carrier shall obtain for the shipper a policy of insurance in the amount required by the shipper and at or before the time of the pickup of such goods shall deliver to the shipper evidence of such insurance coverage. If the carrier fails to notify the shipper in writing of the released value limitation or that insurance coverage is available or any shipper has ordered and paid for insurance and the carrier fails to deliver evidence of such insurance coverage at or before the time of the pick up of the shipment, the carrier shall be responsible for the full value of all items of the household goods shipment lost or damaged while being loaded or transported or unloaded by the carrier.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2100 BILL OF LADING ISSUED FOR SHIPMENT.

In the case of any intrastate move, the bill of lading issued for any shipment accepted for transportation and storage at released rates and charges established and maintained under authority of this order shall have printed in distinctive color in boldface type on the face thereof a statement reading as follows:

Unless the shipper expressly releases the shipment to a value of 60 cents per pound per article, the carrier's maximum liability for loss and damage shall be either the lump sum value declared by the shipper or an amount equal to \$1.25 for each pound of weight in the shipment, whichever is greater.

The release of value must be entered in the following form directly below and immediately following the foregoing statement, and must be completed only by the person signing it.

The shipment will move subject to the rules and conditions of the carrier's tariff. Shipper hereby releases the entire shipment to a value not exceeding

(To be completed by the person signing below)

Notice: The shipper signing this contract must insert in the space above in the shipper's own handwriting, either a declaration of the actual value of the shipment, or the words "60 cents per pound per article." Otherwise, the shipment will be deemed released to a maximum value equal to \$1.25 times the weight of the shipment in pounds.

(Shipper)

(Date)

Provided that: Where the shipper is the employer of the actual owner of the household goods being transported and is responsible for all transportation charges in connection with

7800.2100 MOTOR CARRIER OPERATIONS

694

such a move, the shipper may instruct the motor carrier to release the shipment to a value of 60 cents per pound per article (a) by specification made on a purchase order, or (b) by issuing, in advance of the shipping date, appropriate letters of instructions to the carrier. In such instances, the motor carrier must incorporate the instructions by reference to the document in (a) or (b) above in the bill of lading in lieu of the personal signature and handwritten statement relating to released rates.

The shipper may also elect, in lieu of declared value, to purchase trip insurance covering up to full value of the shipment and the carrier shall be permitted to act as an agent in the writing of said insurance.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2200 HOUSEHOLD CARRIER AS STORER.

When a carrier also engages in the storage of household goods and a shipper has stored household goods with such carrier–storer and such carrier–storer has told the shipper that there will be no dock charges when said household goods are reshipped, or if the storage receipt does not show that charges for dockage will be assessed at the time said goods are removed from such warehouse, then such warehouse operator shall make no dockage charge whether the goods are transported by such warehouse operator as carrier or through the services of another carrier.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2300 APPLICATION OF COMMON LAW AND MINNESOTA STATUTES.

Nothing in this chapter shall be construed to hold a carrier liable for loss or damage when such loss or damage is due to a cause for which the carrier is not liable by reason of the common law or the statutes of the state of Minnesota.

Statutory Authority: *MS s 221.031*

7800.2400 ADVERTISING OF HOUSEHOLD GOODS CARRIER.

Subpart 1. **Storage service.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier will provide storage service unless such carrier holds a warehouse license issued by the commission, or unless the carrier has a currently existing written agreement with a licensed warehouse operator providing for the storage of all property offered for storage by such carrier.

Subp. 2. **Agency agreement.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier is an agent of any other carrier unless there is a currently existing valid written agency agreement in effect in which the carrier of household goods is made an agent of the other carrier.

Subp. 3. **Insurance.** No carrier of household goods shall advertise or in any way imply or suggest that such carrier carries insurance which will cover damage or loss to household goods while being loaded or unloaded, or in transit or storage, or otherwise in the care or custody of the carrier, unless such carrier actually carries such insurance.

Subp. 4. **Inclusion in advertisement of assigned authority number and identification letters.** No certificated, permit, household goods, or local cartage carrier shall advertise in any publication, including a telephone directory, unless such advertisement shall contain such carrier's Public Utilities Commission assigned authority number, and the appropriate identification letters.

Statutory Authority: *MS s 221.031*

History: *17 SR 1279*

7800.2500 LEASED EQUIPMENT.

A motor carrier may lease motor equipment from the owner thereof for use in operations conducted pursuant to the motor carrier's permit or certificate. The lease may include the services of a driver and nothing in this chapter shall be construed to require that such a driver be an employee of the motor carrier lessee.

The purpose of these leasing rules is to ensure that the primary responsibility for the conduct of regulated motor carrier operations remains in the authorized motor carrier, and that the members of the public using motor carrier services are clearly advised of the identity of the responsible carrier, and that the leasing of equipment by an authorized motor carrier from an owner thereof is not a subterfuge for leasing the carrier's permit or certificate to the owner-lessor.

Statutory Authority: *MS s 221.031*

7800.2600 REQUIRED LEASE PROVISIONS.

The lease shall provide for the exclusive possession, control, and use of the equipment, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of said lease, and the lessee shall be considered as the owner of said vehicle during the duration of the lease for all purposes, including public liability insurance, and registration of vehicles with the Department of Public Service. The lease shall state the terms of compensation to be paid to the lessor by the lessee. The lease shall state the date and duration of said lease. The parties to the lease agreement may insert therein any other provisions not contrary to law, and not inconsistent with the rules of the Minnesota Public Utilities Commission.

Statutory Authority: *MS s 221.031*

7800.2700 DUTIES OF THE LESSOR AND LESSEE.

The lease shall be executed in at least three copies. One executed copy shall be retained by the lessee, one executed copy shall be retained by the lessor, and one copy shall be kept with the leased equipment at all times during the term of the lease.

The provisions of the above paragraph shall not apply between motor carriers that have authority as defined under Minnesota Statutes, section 221.011, subdivisions 9, 10, 11, 12, 13, 21, and 24, nor shall it apply to local cartage carriers as defined in Minnesota Statutes, section 221.296.

Lessee's name and address shall be displayed on both sides of the leased and registered vehicle in required lettering. During the time that vehicles under lease are operated by the lessee, there shall be carried in such vehicle bills of lading, waybills, freight bills, manifests, or other papers identifying the lading, and which clearly indicate that the transportation of the property carried is under the responsibility of the lessee as an authorized carrier.

It shall be the duty of the lessee-carrier before taking possession of the equipment to have the same inspected by a qualified person to insure that said equipment is in safe operating condition. The person making the inspection shall certify the results thereof to the lessee, and a copy of such certification shall be carried in the motor vehicle.

All charges paid by a shipper or consignee for transportation services performed with use of leased equipment shall be paid to the lessee only, and the lessor shall exercise no control or dominion over such revenues. The driver of a leased vehicle may, when required, physically collect such charges from the shipper or consignee, but shall immediately deliver all said funds to the lessee. All arrangements for transportation service, solicitation therefor, claims settlement, and all other aspects of motor carrier service shall be conducted by, and in the name of, lessee only, and neither lessee nor the lessor shall by any method of service whatsoever represent or imply, or suggest, to any shipper or consignee, that the motor carrier service being offered or rendered is being offered or rendered by the lessor.

Nothing in this chapter shall be construed to relieve the lessee, the lessor, or the driver of any leased equipment from compliance with the laws, rules, and regulations pertaining to the operation of motor vehicles on Minnesota highways.

Statutory Authority: *MS s 221.031*

RECORDS, REPORTS, AND CLAIMS

7800.2800 RECORDS KEPT BY THE COMMISSIONER.

All motor carriers authorized by the commission must keep full and complete records including operating expense, operating revenue, miles operated, and otherwise as may be required when the vehicle is operated on an hourly basis in accordance with carrier's filed tariff. In addition, all motor carriers must keep a driver's log, subject to the exceptions in part 7800.5900.

7800.2800 MOTOR CARRIER OPERATIONS

696

For accounting regulations and filing annual reports refer to parts 7805.0500 to 7805.1300, motor carrier accounting rules.

Freight bills, bills of lading, and all other records of motor carriers will be open to inspection and examination to the commission and the agents thereof at all reasonable times and places. The commission may on application or upon its own motion, after notice, order any motor carrier authorized by the commission to produce such records for examination when and where the commission by order directs.

Where a dispute arises between a carrier, consignee or consignor, or a passenger, over a claim, any of the interested parties may refer the claim to the commission for investigation.

Statutory Authority: *MS s 221.031*

7800.2900 BILL OF LADING AND FREIGHT BILLS.

Each motor carrier shall issue or cause to be issued a bill of lading and a receipt bill for all merchandise picked up for shipment and shall issue or cause to be issued a freight bill showing the commodity or commodities transported, classification, rates charged, and total amount for transportation, and any other charges to be made under the tariff. The freight receipt and freight bills may be combined.

Petroleum carriers must issue a bill of lading and freight bill; one copy of the bill of lading shall be delivered to the shipper and one retained by the motor carrier; and one copy of the freight bill shall be retained by the carrier and one copy thereof delivered to the consignee or consignor.

Statutory Authority: *MS s 221.031*

7800.3000 CARRIERS RETAIN COPIES.

All carriers shall retain copies of all records including bills of lading and freight bills for at least three years from the date covered by the document.

Statutory Authority: *MS s 221.031*

7800.3100 LIVESTOCK BILL OF LADING.

Subpart 1. **Content.** Pursuant to Minnesota Statutes, chapter 221, the livestock bill of lading shall contain the following information:

- A. the date of its issue;
- B. the name of the person from whom the goods have been received;
- C. the place where the goods have been received;
- D. the place to which the goods are to be transferred;
- E. a statement whether the goods received will be delivered to a specified person, or to order of a specified person;
- F. a description of the goods, which may be in general terms; and
- G. the signature of the carrier.

Subp. 2. **Copies.** The uniform bill of lading used by a permit carrier for the delivery of livestock to a public stockyard shall be in quadruplicate, the first sheet of which shall be white, the second red, the third yellow, and the fourth goldenrod.

Subp. 3. **Carrier responsibilities.** For purposes of expediting the handling of the livestock at public stockyards the permit carrier shall:

- A. assign a brand to each owner;
- B. a bill of lading shall be made out for each consignee;
- C. a bill of lading shall be made for each kind or species of livestock transported;
- D. the bill of lading shall be presented and delivered to consignee or an agent at time of unloading at the public stockyards; and
- E. the bill of lading shall be completed before the transportation is begun.

For the delivery of livestock by permit carriers at points or places other than public stockyards, any uniform bill of lading form meeting the requirements of Minnesota Statutes, chapter 221, shall be lawful.

Statutory Authority: *MS s 221.031*

History: 17 SR 1279

7800.3200 TIMELY PRESENTMENT OF BILLS.

Subpart 1. **Regular route common carriers, petroleum carriers.** Carriers operating under certificates as regular route common carriers or petroleum carriers shall present freight bills for payment of transportation charges and services rendered in connection with such transportation within ten calendar days from the date of delivery of shipment. Carriers must collect the charges therefor within 20 days from the delivery of shipment.

Subp. 2. **Permit carriers.** Permit carriers must present freight bills showing transportation charges at the time of delivery of the freight and shall collect such charges within 30 days from the date of such delivery. If the consignee fails to pay such charges when the same are due, all further deliveries to such consignee shall be on a cash basis as long as consignee owes unpaid delinquent charges.

Statutory Authority: *MS s 221.031*

7800.3300 C.O.D. SHIPMENTS.

All money collected on c.o.d. shipments must be remitted in accordance with terms of bill of lading within ten days from the date of delivery of freight.

All money collected on c.o.d shipments must be remitted in the amount shown on the bill of lading within ten days from the date of delivery of the freight.

Where a c.o.d. shipment is refused or cannot be delivered, the carrier shall forthwith notify the shipper of such fact and request the shipper for instructions regarding the disposition thereof.

A regular route common carrier may, with the appropriate authority from the commission, restrict its tariffs to the effect that such carrier will not handle c.o.d. shipments unless such carrier is to deliver such c.o.d. shipment.

Statutory Authority: *MS s 221.031*

7800.3400 DETERMINATION OF LIABILITY ON LOSS OR DAMAGE.

Where loss or damage occurs on an interline shipment, the delivering carrier shall promptly investigate and determine the liability of all loss or damage claims on shipments and make payment to the claimant without requiring claimant to wait for payment until the matter of liability has been adjusted between carriers.

Statutory Authority: *MS s 221.031*

7800.3500 [Repealed, 13 SR 38]**7800.3600 FILING OF CLAIMS AGAINST CARRIERS.**

No motor common carrier operating under authority of the commission shall provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months after delivery of the property or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier hereunder shall be liable, and such claims will not be paid.

Statutory Authority: *MS s 221.031*

7800.3700 [Repealed, 13 SR 38]**7800.3800** [Repealed, 13 SR 38]**7800.3900 ADVERTISING.**

A regular route motor common carrier shall not carry or display on its vehicles the advertising of any products, trademarks, name, or trade name other than the name of the carrier; provided, however, the commission upon application may remove such restriction as to any specific carrier upon a showing that the removal of such restriction will not be contrary to public interest. This part shall not apply to regular route motor common carriers of passengers.

Statutory Authority: *MS s 221.031*

7800.4810 MOTOR CARRIER OPERATIONS

698

7800.4000 [Repealed, 13 SR 38]

7800.4100 [Repealed, 13 SR 38]

7800.4200 [Repealed, 13 SR 38]

7800.4300 [Repealed, 13 SR 38]

7800.4400 [Repealed, 13 SR 38]

7800.4500 [Repealed, 13 SR 38]

7800.4600 [Repealed, 13 SR 38]

7800.4700 [Repealed, 13 SR 38]

7800.4800 [Repealed, 13 SR 38]

7800.4810 NOTICE OF SCHEDULE CHANGES.

Subpart 1. **Change in schedule; definition.** For purposes of this part, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

Subp. 2. **Notice.** A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e)(5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "Notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

Statutory Authority: *MS s 216A.05; 221.041 subd 2*

7800.4900 [Repealed, 13 SR 38]

7800.5000 [Repealed, 13 SR 38]

7800.5100 [Repealed, 13 SR 38]

7800.5200 [Repealed, 13 SR 38]

7800.5300 [Repealed, 13 SR 38]

7800.5400 [Repealed, 13 SR 38]

7800.5500 [Repealed, 13 SR 38]

7800.5600 [Repealed, 13 SR 38]

7800.5700 [Repealed, 13 SR 38]

7800.5800 [Repealed, 13 SR 38]

7800.5900 [Repealed, 13 SR 38]

7800.6000 [Repealed, 13 SR 38]

7800.6100 [Repealed, 13 SR 38]

7800.6200 [Repealed, 13 SR 38]

7800.6300 [Repealed, 13 SR 38]

7800.6400 [Repealed, 13 SR 38]

7800.6500 [Repealed, 13 SR 38]

7800.6600 [Repealed, 13 SR 38]

7800.6700 [Repealed, 13 SR 38]

MINNESOTA RULES 1997

699

MOTOR CARRIER OPERATIONS

7800.6800 [Repealed, 13 SR 38]

7800.6900 [Repealed, 13 SR 38]

7800.7000 [Repealed, 13 SR 38]

7800.7100 [Repealed, 13 SR 38]

7800.7200 [Repealed, 13 SR 38]

7800.7300 [Repealed, 13 SR 38]

7800.7400 [Repealed, 13 SR 38]

7800.7500 [Repealed, 13 SR 38]

7800.7600 [Repealed, 13 SR 38]

7800.7700 [Repealed, 13 SR 38]

7800.7800 [Repealed, 13 SR 38]

7800.7900 [Repealed, 13 SR 38]

7800.8000 [Repealed, 13 SR 38]

7800.8100 [Repealed, 13 SR 38]

7800.8200 [Repealed, 13 SR 38]